

### **E.) REMARKS**

This Response is filed in response to the Office Action dated June 30, 2004.

Upon entry of this Response, claims 4-6 will be pending in the Application.

In the outstanding Office Action, the Examiner rejected claims 1-3, 5 and 6 under 35 U.S.C. § 103(a) as being unpatentable over Lu et al. (U.S. Patent No. 6,517,127) in view of Zagoroff (U.S. Patent No. 4,559,795) and objected to claim 4.

#### **Rejection under 35 U.S.C. 103**

The Examiner rejected claims 1-3, 5 and 6 under 35 U.S.C. § 103(a) as being unpatentable over Lu et al. (U.S. Patent No. 6,517,127) in view of Zagoroff (U.S. Patent No. 4,559,795).

Claims 1-3 have been canceled. Therefore, the rejection based upon claims 1-3 is moot. Claim 5 has been amended to depend upon claim 4. Claim 6 depends upon claim 5. Applicant submits that claims 5 and 6 are distinguishable from Lu et al. and Zagoroff, as depending from claim 4, which is believed to be allowable for the reasons provided below. Applicant respectfully requests that the Examiner withdraw the rejection and allow claims 4-6.

#### **Allowable Subject Matter**

The Examiner indicated that claim 4 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claim. Applicant has amended claim 4 to be in independent form including all of the limitations of claims 1-3. Since all of the limitations of original claim 4 have been presented in independent form, Applicant submits that claim 4 is now allowable. Likewise, claim 5 and 6 now depend upon claim 4 and are therefore allowable.

### **CONCLUSION**

In view of the above, Applicant respectfully requests reconsideration of the Application and withdrawal of the outstanding objections and rejections. As a result of the amendments and remarks presented herein, Applicant respectfully submits that claims 4-6 are not anticipated by

nor rendered obvious by Lu et al. (U.S. Patent No. 6,517,127), Zagoroff (U.S. Patent No. 4,559,795) or their combination and thus, are in condition for allowance. As the claims are not anticipated by nor rendered obvious in view of the applied art, Applicant requests allowance of claims 4-6 in a timely manner. If the Examiner believes that prosecution of this Application could be expedited by a telephone conference, the Examiner is encouraged to contact the Applicant.

The Commissioner is hereby authorized to charge any additional fees and credit any overpayments to Deposit Account No. 50-1059.

Respectfully submitted,  
**McNEES, WALLACE & NURICK**

By



**Andrew L. Oltmans**  
Reg. No. 56,074  
100 Pine Street, P.O. Box 1166  
Harrisburg, PA 17108-1166  
Tel: (717) 237-5281  
Fax: (717) 237-5300

Dated: August 30, 2004

**D.) AMENDMENTS TO THE DRAWINGS**

None.